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May 26, 1998

RM-9267
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re.: RM-9267

To Whom It May Concern:

As a licensed amateur radio operator, I am dismayed by the Land Mobile Communications Council (LMCC) proposal (designated RM-9267). I feel that this proposal is counterproductive in every sense and urge that the Federal Communications Commission (FCC) dismiss it without further action.

First, I would like to comment on how the proposal, if accepted, would affect me personally. Then, I would like to comment on specific paragraphs within the LMCC proposal.

How I feel this proposal would affect me personally:

The proposal would reallocate the 420-430 MHz and 440-450 MHz bands to the LMCC and its member organizations on a primary basis. While the LMCC claims that the Amateur Radio Service could share this spectrum on a secondary basis with them, as an electrical engineer and amateur radio operator for over eighteen (18) years I know this to not be true. I feel that sharing between the two services is suggested by the LMCC only to somehow justify that the needs of the Amateur Radio Service are still being met. The LMCC has also not proposed any method by which sharing could take place- because in my opinion, one does not exist.

The current primary occupant of the spectrum in question, the Federal Government (mostly the military) is much easier to share spectrum with because of how they use it- mostly military radar systems. These systems have proven very easy to share spectrum with over the years because of their emission type and method of operation. However, the LMCC proposal would change the primary occupant of these frequencies to one that uses narrow band FM and repeaters and co-locates hundreds, if not thousands of their users with the amateur radio users. The resultant interference would require the Amateur Radio Service (as the secondary occupant) to solve interference problems or cease operations, as well as tolerate interference from the LMCC. This is unacceptable because

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the burden would be on the Amateur Radio Service who is ill equipped financially (as private citizens) to solve such problems.

I personally own radio equipment that operates in the frequency spectrum in question. This equipment would be rendered useless. Worse, my ability to communicate would be severely hampered to many areas necessary for my public service activities, outlined below.

Currently, I am the Radio Amateur Civil Emergency Service (RACES) Radio Officer for Monmouth County, New Jersey. We have a very active RACES group in our area (numbering over sixty amateur radio operators). Many of our operations are carried out in the 440-450 MHz band, mostly utilizing repeater stations but also simplex operations. This is necessary because of the crowding of the amateur 144-148 MHz band. Additionally, many of the repeaters in use in the 440-450 MHz band have auxiliary links in the 420-430 MHz band. Therefore, reallocating any of these frequencies would severely hamper our operations.

Closely related to Monmouth County RACES is the Monmouth County Amateur Radio Emergency Services (ARES), the Monmouth County Amateur Radio Communications Services Corps (ARCSC), and Monmouth County SKYWARN. Of course, ARES is sponsored by the American Radio Relay League (ARRL) and allows us to better serve our primary RACES "customer", the Monmouth County Office of Emergency Management who depends on ARES/RACES for auxiliary communications when their primary radio systems fail or become overloaded.

Another "customer" of our communications services is the National Weather Service, Mount Holly, NJ office (through the SKYWARN program) who we support with FM voice communications in the 440-450 MHz band as well as packet radio in the 144-148 MHz band. We are considering moving some, if not all, of the packet radio operations to the 440 MHz band to take advantage of the higher bandwidth and less interference available. Our SKYWARN spotter reports have enabled the NWS to disseminate severe weather watches and warnings faster (possibly saving lives and property) as well as save money because we collect the reports of many spotters and pass them to the NWS office via a single net control station or packet radio. This enables the NWS staff to handle the reports of many spotters with less NWS personnel. They are grateful to us for this capability because their budget is continually being cut and they do not have a large staff. The LMCC proposal would severely limit our ability to serve the National Weather Service and the general public.

Considering packet radio, while our current operations are in the 144-148 MHz band, we are contemplating a move to the 440-450 MHz band, again, to take advantage of higher bandwidth and clearer frequencies than the crowded 144-148 MHz band.

With our proximity to the New York City area, the 144-148 MHz band is overcrowded. Often, four and five repeater systems can be heard on the same frequency separated only by different PL tones. Interference is a way of life in this band. While ARES, RACES, and SKYWARN make extensive use of the 144-148 MHz band, we are beginning to move some operations to the 440-450 MHz band out of necessity and convenience. Many of our backup frequencies are repeaters located in the 440-450 MHz band. Allowing the LMCC to have allocations at 420-430 MHz or 440-450 MHz would force

us to move operations back to the overcrowded 144-148 MHz or 222-225 MHz (already narrowed by FCC action) bands.

The ARCSC utilizes the 144-148 and 440-450 MHz band in support of over ten (10) public service events per season (April to October). These events, often walk- or bike-a-thons in support of major charities, have anywhere from a few hundred to several thousand participants from the general public. Their safety and enjoyment of the event depends on the logistics provided by a strong communications system. On more than one occasion we have rescued bicyclists who have strayed off course by many miles in unknown areas, found and reunited lost children with their parents, called in Emergency Medical Services for injured participants, and coordinated the movement of supplies from one part of the event to another. None of this would be possible without our current radio spectrum allocations. In fact, some of these charity organizations have attempted to run events without amateur radio by utilizing cellular telephones with disastrous results. So, once again, the LMCC proposal would be counterproductive to these operations and could affect public safety.

During emergencies, ARES and RACES supports not only the Monmouth County Office of Emergency Management, but other organizations such as the American Red Cross, all of our local hospitals, and the Salvation Army. We coordinate with other organizations such as the Military Affiliate Radio System (MARS), the National Guard, the New Jersey State Police, and United States Coast Guard. We also stand ready to serve our local utility companies in times of need (such as GPU Energy, Bell Atlantic- New Jersey, and New Jersey Natural Gas). Recently, Monmouth County ARES provided communications during a natural gas outage for the Jersey Coast Chapter of the American Red Cross. Our ability to provide this service would have been limited if the LMCC were given the allocations they desire. Representatives of the New Jersey State Police have stated, during a recent Federal Emergency Management Agency (FEMA) drill called "Response 98" that emergency management could NOT take place in the state of New Jersey without RACES.

Our packet radio network is currently using both the 144-148 MHz and 222-225 MHz bands. However, overcrowding and interference is forcing us to consider the 440-450 MHz band. Also, ARES and RACES are contemplating the use of Amateur Television (ATV) to support the Office of Emergency Management and American Red Cross with damage assessment. Part of these operations would be carried out in the 420-430 and 440-450 MHz band. Again, the LMCC proposal would detrimentally affect our ability to serve in these capacities.

Comments on specific paragraphs within the LMCC proposal:

The LMCC proposal is filled with inaccuracies and errors of omission. Specifically:

- Paragraph 2: The LMCC implies that all of their member organizations are in favor of their proposal. This is not necessarily true as some may be considering coming out against this proposal and others may be considering legal action against the LMCC. Some of their member organizations have signed Memorandums of Understanding with the American Radio Relay League (ARRL), a national amateur radio non-profit organization.

- Paragraph 6: The LMCC mentions that PMRS benefited from technological advances during World War II. They neglect to mention that licensed amateur radio operators accomplished many of the advances in the "radio art". Without the Amateur Radio Service's spectrum allocations, experimentation and further advances would not be possible. These advances occur with little or no cost to the government or industry- much of which are member organizations to the LMCC. Further, many other advances during WWII were accomplished by the military and its contractors and this practice continues today where many of the military personnel and contractor employees are radio amateurs- I am one employed by a contractor. PMRS benefits from this in the long term.
- Paragraph 7: Some of the services mentioned, namely taxi-cab companies, have proven themselves to be inhospitable "neighbors" in the radio spectrum. The taxi companies in New York City, New York have repeatedly violated FCC regulations with un-licensed operations in the Amateur Radio Service's 10-meter band where we enjoy a primary allocation. They utilize illegally modified Citizen's Band radios and linear amplifiers, and other non-"type accepted" equipment. This is not done out of ignorance of FCC rules and regulations or for a lack of frequencies. This is an attempt to create some sort of business advantage over their competition who may be operating legally licensed radio equipment. The FCC should not reward this behavior with new frequency allocations.
- Paragraphs 9 to 13: The LMCC proposal seems to suggest that because other service organizations, such as CMRS, have been granted or auctioned new frequency allocations, that PMRS should also be granted new frequencies. Rather, allocation of frequencies is not justified because other services are being allocated new frequencies- a service must justify their need outright, exclusive of other services or events. If the LMCC's point were true, the Amateur Radio Service should also be granted new frequencies since amateurs do not have the financial ability to bid on bands of frequencies.
- Paragraph 16: The fact that heavy equipment operators make tragic mistakes does not impress me. Poor operating practices (both of the heavy equipment and of the radio equipment) were to blame for the tragic loss of life in California, not frequency allocations. Limousine companies who can not work as part of a controlled radio net (or dispatchers who do not know radio net procedures) do not justify new frequency allocations. Training in proper radio operating procedures for all involved would prevent these problems. I personally have heard professional dispatchers handle much more serious situations in a cool and calm manner without disastrous results or without businesses going under. In the case of the limousine company in Brooklyn, I am able to monitor many of the dispatch frequencies in question from my home in central New Jersey. These are some of the same companies who called in fake traffic jams from their limousines via cellular telephones to a local New York AM broadcast station. This was done to get their company name broadcast over the air- a publicity stunt. This type of behavior should not be rewarded with new frequency allocations.
- Paragraph 18: In the case of Public Service Electric & Gas (PSE&G) Company of Newark, NJ, I find it difficult to believe that meter reading and remote control

operations (both of which are *very* intermittent types of transmissions) cannot benefit from advanced communications methods. These would include spread spectrum and digital packet radio as well as short distance line-of-site methods such as infrared and laser. Meter reading in particular should occur at less than one-tenth of a watt transmitter output since it occurs at very close distances to the equipment. This type of operation can occur on almost any frequency without interference. The Amateur Radio Service advanced many of these technologies.

- Paragraph 48: For once I agree with the LMCC in part- the 220-222 MHz band was **NEVER** utilized. Period. This spectrum should be returned to the Amateur Radio Service immediately.
- Paragraph 55: I am disappointed that the LMCC would attempt to take advantage of the Oklahoma City bombing tragedy. Additional frequencies provided to the cellular telephone service are not the answer. No matter how many frequencies a cell site is able to utilize, a localized tragedy such as the Oklahoma City bombing will *always* overwhelm the small number of cell sites involved. There are thousands of cellular customers who flock to the scene of a disaster along with Emergency Management personnel who utilize cellular telephones as one of their backup systems. The most effective backup communications system at the Oklahoma City bomb tragedy was Amateur Radio. Local ARES and RACES operators served Oklahoma City officials for *days* after the bombing- before, during, and after the cellular system was overloaded. ARES and RACES would not have been able to perform this function so brilliantly had it not been for their available frequency spectrum, including the 440-450 MHz band. Additionally, it has been proven to me time and time again that incident commanders do not have time to figure out the cellular telephone system. Mistakes are often made, batteries not charged, telephone numbers unknown, etc. Emergency managers need to communicate *without* worrying about these details- this is where auxiliary services such as ARES and RACES step in, providing transparent communications in a time of need. This would be impossible if frequencies are removed from the Amateur Radio Service allocations.

Summary:

The LMCC proposal would detrimentally affect the Amateur Radio Service's ability to advance the radio art, provide emergency communications, and provide public service communications, as well as render expensive equipment, purchased with personal money, obsolete.

Additionally, the LMCC proposal is not well thought out. My brief comments on a dozen or so of its paragraphs establishes that the proposal is filled with inaccuracies and errors of omission. An in-depth analysis (one not afforded by the length of the comment period to RM-9267) would undoubtedly uncover more.

Considering the many uses that the Amateur Radio Service has at 420-430 MHz and 440-450 MHz, the only valid proposal I could imagine is one that keeps the current allocations in place. If the Federal Government ever decides that they no longer need the use of these frequencies on a primary basis, the Amateur Radio Service should be considered for a primary allocation rather than its current secondary status. This is

because the Amateur Radio Service has proven over the years that their use of the frequencies in question is in the public interest.

Thank you for this opportunity to comment. I look forward to the FCC dismissing RM-9267 without further action.

Sincerely,

A handwritten signature in cursive script that reads "Marlo Montanaro".

Marlo Montanaro- KA2IRQ

Monmouth County ARES District Emergency Coordinator

Monmouth County RACES Radio Officer

ARRL Public Information Officer

ARCSC Commander

Monmouth County SKYWARN Deputy Coordinator

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